



*California Truth & Healing Council
(CTHC)*

[DRAFT] CHARTER

September 2020

INTRODUCTORY NOTE

Governor Gavin Newsom issued [Executive Order N-15-19](#) on June 18, 2019, in Sacramento, California. The text of the Executive Order is provided in full below.

EXECUTIVE ORDER N-15-19

WHEREAS in the early decades of California's statehood, the relationship between the State of California and California Native Americans was fraught with violence, exploitation, dispossession and the attempted destruction of tribal communities, as summed up by California's first Governor, Peter Burnett, in his 1852 address to the Legislature: "[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct, must be expected"; and

WHEREAS State of California laws and policies discriminating against Native Americans and denying the existence of tribal government powers persisted well into the twentieth century; and

WHEREAS despite these wrongs, California Native Americans resisted, survived and carried on cultural and linguistic traditions defying all odds; and

WHEREAS the State of California and California Native Americans have never jointly formally examined or documented their relationship for the express purpose of acknowledging and accounting for historical wrongs by the State of California toward California Native Americans; and

WHEREAS the State of California has never formally apologized for historical wrongs tolerated, encouraged, subsidized and committed by State actors against California Native Americans; and

WHEREAS the State of California seeks to more closely explore the historical relationship between the State of California and California Native Americans in the spirit of truth and healing through the establishment of a Truth and Healing Council; and

WHEREAS the State of California intends that the work of the Truth and Healing Council be done respectfully and in collaboration and consultation with California Native American tribes pursuant to this Executive Order and [Executive Order B-10-11](#).

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The State of California hereby:
 - a. recognizes that the State historically sanctioned over a century of depredations and prejudicial policies against California Native Americans;
 - b. commends and honors California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting this land that we now share;
 - c. apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes;
 - d. reaffirms and incorporates by reference the principles outlined in Executive Order B-10-11, which requires the Governor's Tribal Advisor and the Administration to engage in government-to-government consultation with California Native American tribes regarding policies that may affect tribal communities; and
2. The Governor's Tribal Advisor shall establish the Truth and Healing Council to bear witness to, record, examine existing documentation of, and receive California Native American narratives regarding the historical relationship between the State of California and California Native Americans in order to clarify the historical record of such relationship in the spirit of truth and healing. The Truth and Healing Council shall be led and convened by the Governor's Tribal Advisor and shall include representatives or delegates from California Native American tribes, and may include relevant state and local agencies, as well other relevant non-governmental stakeholders.
3. The Truth and Healing Council shall consult with California Native American tribes to shape the overarching focus and develop the work of the Council and shall endeavor to accurately represent the diversity of experience of California Native Americans within the State of California.
4. The Truth and Healing Council shall: (i) report draft findings to the Governor's Tribal Advisor on an annual basis beginning January 1, 2020 and (ii) produce a final written report of findings regarding the historical relationship between the State of California and California Native Americans on or before January 1, 2025.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the California Native American Truth and Healing Council ("**Council**") are:

1. To provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of State-sanctioned depredations and prejudicial policies committed during the early decades of California's statehood, and the impacts on the descendants and communities of the victims and survivors of such depredations and/or policies;
2. To afford the victims, survivors, descendants and communities an opportunity to relay the depredations suffered;
3. To report to the Governor about such depredations and/or policies; and
4. To make recommendations aimed at the (i) reparation and restoration of the victims, survivors, descendants and communities of such depredations and/or policies and (ii) prevention of like depredations and/or policies in the future.

Article 2

The Council, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Council is based on the principles of equality, justice and healing, and all its Members shall reflect this by engaging with each other on a basis of mutual respect and understanding.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. The Council shall ensure that California Native American tribes and California Native Americans who are not Members of the Council are treated as equals through a lens of historical injustice and shall engage with such parties on such basis.

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4. The Council shall encourage California Native American tribes and California Native Americans who are not Members of the Council to act in accordance with these Principles within the confines of meetings and purview of this Council.
5. Nothing contained in the present Charter shall authorize the Council to discuss, engage in, or intervene in matters outside its purview, including but not limited to, those matters under the jurisdiction of any California Native American tribe.

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CHAPTER II

MEMBERSHIP AND COMPOSITION

Article 3

The original Members of the Council shall be appointed by the Governor's Tribal Advisor in accordance with the following desired parameters:

1. There shall be twelve (12) Members of the Council.
2. Three (3) Members shall be appointed from California Native American tribes from the Southern geographical area of the State;
3. Three (3) Members shall be appointed from California Native American tribes from the Central geographical area of the State;
4. Three (3) Members shall be appointed from California Native American tribes from the Northern geographical area of the State;
5. Three (3) Members shall be appointed from California Native American tribes from the Eastern geographical area of the State; and
6. For each of the above geographical areas, one (1) of the three (3) appointed Members shall be from a non-federally recognized California Native American tribe listed on the contact list maintained by the Native American Heritage Commission.
7. All appointed Members shall be duly elected officials or appointed designees of California Native American tribes on the list maintained by the Native American Heritage Commission.

Article 4

1. Membership in the Council is open to all duly elected officials and appointed designees of California Native American tribes on the list maintained by the Native American Heritage Commission who accept the obligations contained in the present Charter and, in the judgment of the Tribal Advisor, are able and willing to carry out these obligations.
2. The Tribal Advisor shall decide admission of a duly elected official or appointed designee of a California Native American tribe to membership in the Truth and Healing Council upon consideration of a

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recommendation submitted by the duly elected governing body of the official's or designee's tribe.

Article 5

A Member of the Council who has persistently violated the Principles contained in the present Charter may be removed from the Council by the Tribal Advisor at the Tribal Advisor's discretion. Members removed under this Article shall have no right to appeal to the Advisor, Council or any other authority, except as may otherwise be required by law. Vacancies shall be filled by the Tribal Advisor in accordance with Art. 4, § 2, above.

Article 6

A Member of the Council who no longer serves as a duly elected official or appointed designee of a California Native American tribe on the list maintained by the Native American Heritage Commission shall automatically be removed from the Council. Members removed under this Article shall have no right to appeal to the Advisor, Council or any other authority, except as may otherwise be required by law. Vacancies shall be filled by the Tribal Advisor in accordance with Art. 4, § 2, above.

Article 7

In consultation with the Tribal Advisor, the Council may vote to add non-voting Representatives to the Council, which may include representatives of state and local agencies, or relevant non-governmental stakeholders and experts.

CHAPTER III

FUNCTIONS and POWERS

Article 8

The Functions and Powers of the California Truth and Healing Council are:

1. To facilitate, and where necessary initiate or coordinate, inquiries into:
 - a. the historical relationship between the State of California and California Native Americans, including historically State-sanctioned depredations and prejudicial policies;
 - b. the nature, causes and extent of relevant depredations and/or prejudicial policies, including the antecedents, circumstances, factors, context, motives and perspectives which led to such depredations and policies;
 - c. the identity of all persons, authorities, institutions and organizations involved in such depredations and/or policies;
 - d. the question of whether such depredations and/or policies were the result of deliberate planning on the part of the State or other group or individual; and
 - e. accountability, political or otherwise, for any such depredations and/or policies;
2. To facilitate, and initiate or coordinate, the gathering of information and the receiving of evidence from any person, including persons claiming to be descendants or part of the community of the victims and survivors of such depredations and/or policies which establish the nature and extent of the harm suffered by such victims, survivors, descendants and communities;
3. To engage outside experts, including traditional knowledge holders, historians, librarians and others, to advise on methodologies, conduct research, share information and otherwise advance the purposes of the Council;
4. To report draft findings to the Tribal Advisor on an annual basis and prepare a comprehensive final report on or before January 1, 2025 setting out the Council's activities and findings, based on the

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information and evidence collected or received by it, and utilizing methodologies based on current academic research and national and international precedent, to be provided to the Governor's Tribal Advisor and published on the website of the Governor's Tribal Advisor; and

5. To make recommendations to the Governor regarding the policies and/or measures aimed at (i) the reparation and restoration of the victims, survivors, descendants and communities of such depredations and/or policies and (ii) correcting historical injustices.

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CHAPTER IV

VOTING

Article 9

Each Member of the Council shall have one (1) vote. All Members are voting members of the Council.

Eight (8) Members are required to establish a quorum for the transaction of business of the Council.

Decisions of the Council shall be made by a majority of the Members present and voting.

PROCEDURE

Article 10

The Council shall meet in regular quarterly sessions of two (2) days each and in such special meetings as occasion may require. Day one (1) of such meetings shall be dedicated to a facilitated space for California Native Americans to talk, process and heal and day two (2) shall be dedicated to presentation of historical findings, evidence, outcomes and experiences from day one, and resources as directed by the Council.

The Council shall make available culturally appropriate wellness services for each quarterly session to provide participants with tools to process and heal from ongoing and historical trauma.

Special meetings shall be called by the Tribal Advisor on their initiative or at the request of a majority of the Members the Council. Where practicable, the Tribal Advisor shall endeavor to rotate meeting locations in four (4) geographical areas throughout the State.

Article 11

The Council shall perform its duties with transparency, inclusion and respect for all experiences, viewpoints and backgrounds. Where practicable, the Council shall encourage all available methods for public participation.

To provide and preserve public access to the primary materials for the final report and appendices, the Council will livestream, record, and transcribe meetings, and it will audio record and transcribe consultations. All materials shall be published on the website of the Governor's Tribal Advisor.

Article 12

The Council shall adopt its own rules of procedure.

Article 13

The Council may establish such subcommittee(s) as it deems necessary for the performance of its functions.

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CHAPTER V

COOPERATION OF AGENCIES

Article 14

The various agencies under the authority of the Governor shall cooperate with the Council as necessary to carry out the purposes of this Charter.

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CHAPTER VI

THE TRIBAL ADVISOR

Article 15

The Tribal Advisor shall lead and convene the Council, serve as the executive director of the Council and perform such other functions as are entrusted to the Tribal Advisor by the Council or otherwise provided by law.

Article 16

The Tribal Advisor is not a Member of the Council but shall preside over the meetings of the Council in an administrative capacity. The advisor shall advise the Council on procedures for the business of the Council and encourage the use of procedures that allow for a fair consideration of all issues under the purview of the Council.

Article 17

The Tribal Advisor will endeavor to consult with every tribe on the contact list maintained by the Native American Heritage Commission. To the extent practicable, the Tribal Advisor shall endeavor to conform the method, location and form of each consultation meeting to the individual preferences of each tribe.

CHAPTER VII

AMENDMENTS

Article 18

Amendments to the present Charter shall be accomplished and come into force for all Members of the Council by a two-thirds vote of the Members of the Council.

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CHAPTER VIII

RATIFICATION AND SIGNATURE

Article 19

The present Charter shall be ratified by and shall come into force upon the approval and signature of the original Members.

Article 20

The present Charter shall remain published on the website of the Governor's Tribal Advisor.

IN FAITH WHEREOF the original Members of the Council have signed the present Charter.

DONE at the city of Sacramento the [DAY] day of [MONTH], two thousand twenty.